

REMARKS

Reexamination and Reconsideration of the rejections and objections are requested. Upon entry of the Amendment claims 1-108 are in the application. The specification and claims have been amended. No new matter has been added.

The Objections and §112 Rejections

The specification has been amended on Page 71 to provide the basis requested by the Examiner in the written description for Claim 26 thereby obviating the Examiner's objection to Claim 26.

Claims 6, 23, 24, 33, 43, 45, 46, 54, 64, 65, 66, 82, 83, 85, 86, 87, 104, 107 and 108 have all been amended. These amendments are believed to address the Examiner's objections to the claims, as discussed in Paper No. 7, Paragraphs 2-4 and to also address the Examiner's §112 rejections discussed in Paragraphs 6-8 and 10-15. While it is not believed that the original claims are necessarily indefinite under §112, the amendments do improve the claim language and are believed to overcome the §112 rejection of Claims 6, 23, 24, 43, 45-46, 54-63, 65, 66, 86, 87-107 and 108.

Claims 80 and 81 have also been amended to correct an obvious typographical error which has dependent Claim 81 reciting a broader temperature range than parent Claim 80.

For Claims 6 and 55, the amendment adopts language suggested by the Examiner.

The improper multiple dependency issues raised by the Examiner have been addressed by amending Claims 33 and 85.

Claims 82 and 83 have been rewritten in independent form although Examiner's argument that the dependent claims do not further limit the process is denied. Ultimate film properties are related to variation in both composition and processing of the composition.

Claim 23 has been amended to use language which mirrors that found in the parent claim.

Claim 24 now recites "film comprises a tube having an inner heat sealing layer comprising said blend" which language more closely follows traditional claim drafting practice.

Claim 43, now states "a first layer comprising" obviating the lack of antecedent basis complaint.

Claims 45, 46 and 64-66 have all been amended to provide consistent reference to "maximum ram puncture force."

Claims 54, 86 and 87 have been amended to replace parentheses with commas.

Claim 54 has also been amended to refer to "said blend of at least three copolymers," which language mirrors that found in the parent claim.

Claims 87, 107 and 108 have all been amended to refer to "wt." percentages.

In Claim 107, the phrase "of said layer" was deleted to conform the claim style to that of Claim 108.

Claim 104 was further amended by inserting "based upon the weight of the layer containing said copolymer" (or polymer) in several instances.

Claims 32 and 70 were also rejected under 35 U.S.C. §112 for indefiniteness. The Examiner states:

Claims 32 and 70 recite the limitation "at lease one interpolymer comprises said first and second polymers" in lines 1-2. However, it is not clear from this limitation whether the film comprises an interpolymer or at least one interpolymer comprising said first and second polymers. (Emphasis Added) (Paper No. 7, ¶9)

The rejection is traversed. The present claim language clearly states and particularly points out the latter interpretation of the Examiner. It is noted that for the second possibility of the Examiner's either/or explanation, the Examiner uses language virtually identical to that expressed in the claim. It is respectfully submitted that the language chosen and expressed in the claim fulfills the requirements of §112. It is intended to claim "at least one interpolymer" and it should be noted that a single interpolymer may comprise both the first polymer and the second polymer, as taught in Applicant's specification. See *e.g.*, Page 17, last line, to Page 18, line 4.

All of the above amendments and arguments are believed to overcome the objections and §112 rejections which are requested to be withdrawn.

The §102 Rejection

The Examiner has rejected 1-21, 23-32, 43-52, 64-78, and 80-84 under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 5,928,740 (Wilhoit, et al.).

After a lengthy paraphrasing of purported teachings of Wilhoit (Pages 9-10), the Examiner argues thusly:

Therefore, considering the film taught by Wilhoit, et al. comprises the same materials as the instantly claimed invention and is produced by the method as instantly claimed, the film would inherently have film properties, such as maximum ram puncture force, tear propagation strength, shrinkage, haze, etc., within the instantly claimed ranges. (Paper No. 7, ¶17, final paragraph).

The rejection is denied for the following reasons.

There is no identity of invention between the disclosure of Wilhoit and the instant claims. The present invention requires selection of amounts and polymers in a film of specified properties. The limitations of the present claims have not been shown by the Examiner to have been taught by Wilhoit. These limitations reflect both the choice of many composition parameters and processing parameters. The burden is on the Examiner to make a *prima facie* case of anticipation to maintain a §102 rejection and that burden has not been met. Furthermore, the Official Action does not provide any analysis in support of the assertion of anticipation; it only expresses the conclusion that the claimed invention is inherent. "Inherency, however, may not be established by probabilities or possibilities." See, *Ex parte Skinner*, 2 USPQ2d 1788, at 1789 (U.S.P.T.O. BOAI, 1987).

The Examiner's attention is also directed to the Comparative Examples, *e.g.*, 15 and 18. Referring to Pages 52-56 and Table 6, it is seen that Comparative Example 18 is in accordance with the teachings of the Wilhoit reference, but has an inferior composition of properties outside those of the films defined by the claims of the present invention. Of particular note is the disadvantageously high tear strength. Preferred films of the present invention also exhibit an ability to achieve remarkably higher maximum ram puncture forces. It is submitted that the comparative examples demonstrate the lack of inherency. The §102 rejection should be withdrawn.

The §103 Rejection

The Examiner has rejected Claims 1-21, 23-32, 43-52, 64-78 and 80-84 under 35 U.S.C. §103(a) for obviousness citing as evidence the sole reference of U.S. Patent No. 5,928,740 (Wilhoit, et al.).

The Examiner admits that "Wilhoit, et al. do not limit the ethylene copolymer having a melting point between 85 and 110°C to a copolymer of ethylene and hexene -1...", but urges that the broad teachings of Wilhoit, et al. render obvious the invention presently claimed.

The Examiner further states:

...in the absence of a showing of unexpected results, it would have been obvious to one having ordinary skill in the art to select from the ethylene copolymers or terpolymers taught by Wilhoit, et al. optimizing the melting points of the polymers and the composition of the selected ethylene copolymers in the blend to provide the desired film properties for a particular end use." (Page No. 7, ¶19).

Claims 22, 53-63, 79 and 86-108 are also rejected by the Examiner under §103 citing Wilhoit, as above, the Examiner further says Wilhoit teaches blending, and multilayer films, but admits that Wilhoit, et al. do not teach "the layer combination as instantly claimed." Instead, the Examiner argues that such differences "in the absence of a showing of unexpected results," would have been obvious.

The above rejections are traversed for the following reasons.

It is well established that the Patent Office has the initial duty of supplying the factual basis for its rejection. See, *In re Warner & Warner*, 154 USPQ. 173 (CCPA, 1967).

Wilhoit, et al. is void of any reference to many claim limitations including, *e.g.*, interpolymers and maximum ram puncture force. Furthermore, nothing in the Wilhoit, et al. reference provides the motivation or suggestion for selecting the particular amounts and polymers to arrive at the invention claimed.

The present invention as broadly defined in Claim 1 not only achieves superior performance with respect to several combinations of film properties, but does so while omitting a required component of the Wilhoit, et al. reference, viz, Wilhoit's first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin. The present claims also specify narrow ranges of other polymers. It is unclear from what teachings of Wilhoit, et al. that the Examiner posits obviousness of presently claimed combinations. Assuming, arguendo, that the Examiner is urging that the second polymer of Wilhoit '740 teaches use of the first polymer specified in instant Claim 1, it is noted that the present invention requires use of a specific copolymer, viz, ethylene and hexene -1 having a melting point between a specific range. This range overlaps, but varies, from the range specified in Wilhoit '740.

Also, two of the three polymers exemplified by Wilhoit, et al. for use as their second polymer (See Col. 8, lines 1-3) fall outside the definition of the first polymer of Claim 1. Both Affinity PL 1840 and PL 1880 are ethylene octene copolymers and they each also have melting points outside the claimed ranges. Furthermore, all three exemplified polymers including Exact 3032 are outside the claimed melting point range of Claim 2. Furthermore, assuming that the Examiner is positing the third polymer of Wilhoit, et al. as providing the basis for the second polymer as presently claimed, it is noted that Wilhoit, et al. provides an expansive list for their third polymer which may be LDPE, HDPE or a propylene copolymer as well as an ethylene α -olefin copolymer. It is also noted that the melting point range is similar, but not identical.

Furthermore, the present invention requires specific amounts of a specified third polymer.

The teachings of the selection of specific polymers having specific properties in defined ranges is not found in the Wilhoit, et al. reference. The presently claimed invention advantageously has a combination of properties not taught and not inherent in the films taught by Wilhoit, et al.

As noted by Applicant's specification, the present inventive films have excellent properties and combinations of properties relating to tear propagation strength, puncture and abrasion resistance, optics, heat shrinkability, heat sealing and flexibility. (See, Specification, Page 11).

Various embodiments of the present invention provide a biaxially stretched film having an improved combination of properties e.g. especially high puncture resistance values such as maximum puncture forces of at least 70 Newtons (Claims 1, 43, 82, 86, 88, 89) and often at least 120 Newtons (Claims 44, 64, 83) or higher (Claims 45, 46, 65, 66), and desirably low tear propagation strength (as measured by the Elmendorf Tear Strength Test) e.g. a tear strength "x" such that $10 \leq x \leq 40$ grams per mil in either or each of the machine or transverse directions (Claims 1, 43, 82) or $x < 25$ grams per mil in at least one of the machine direction (M.D.) or transverse direction (T.D.) (Claims 1, 10, 43, 82), without sacrificing high shrinkage at 90°C and other desirable properties (Claims 9, 11, 34-40, 55-61, 86, 87, 90-95, 99). In some embodiments of the invention, films having M.D. and/or T.D. tear strengths of 15 to 25 g/mil (0.59-0.98 g/μ) are achieved (Claim 10). Additional embodiments of the invention include films which achieve: a hot water puncture resistance of at least 100 seconds at 95°C (Claims 38, 59, 86, 93); a hot water seal strength of at least 200 seconds at 95°C (Claims 39, 40, 60, 61, 79, 86, 94, 95); a

tensile seal strength of at least 400 g/cm at 88°C (Claims 35, 36, 56, 57, 87); a maximum puncture force of at least 70 Newtons (Claims 1, 43, 88), preferably at least 120 Newtons (Claims 64-66); a shrinkage value at 90°C of at least 40% in at least one direction (Claims 11, 34, 55, 87); a haze value of less than 10% (Claims 9, 99); and/or a gloss value at 45° of at least 70 Hunter Units (Claim 99); and preferably combinations of several of these properties.

Various embodiments of the inventive blends utilize 25 to 45 wt. % or 30 to 40 wt. % of a first polymer having a melting point of 80 to 98°C, which comprises a copolymer of ethylene and hexene -1. These blends are capable of producing films having very good tear strength properties. Other blend embodiments use 45 to 85 wt. % of this first polymer. These embodiments are capable of producing films having exceptionally high puncture resistance values, especially high maximum puncture forces and total energy absorption values.

The cited reference does not refer to maximum ram puncture force or tear propagation strength or certain other properties claimed by the present invention and the Examiner has failed to establish any suggestion to modify the teachings of Wilhoit, et al. to arrive at the films or process of the present invention.

It is further noted that the cited reference is void of any reference to interpolymers. Claims 31, 52, 69, 70, 76 and 77 all have claim limitations requiring interpolymers. It is submitted that in the absence of evidence, the Examiner has not established a *prima facie* case of obviousness.

Various embodiments of the present invention have exceptionally advantageous properties. These embodiments and their advantages are not taught by the reference. In particular, a preferred multilayer embodiment of the invention having at least four layers is well

suited for cook-in or post-cooking pasteurization processing and/or packaging and is claimed in Claims 33-41, 54-63, 79, and 86-105.

The Examiner's attention is directed to the inventive films of Example 97-99 and 101-106 which are particularly well suited for use as cook-in films and in very demanding post-cooking pasteurization applications. See *e.g.*, Table 19, 20, 22, 23 and the discussion in the specification on Pages 88-97. The exceptionally and unexpectedly good properties of the inventive films relative to Comparative Examples 107 and 108 is discussed on Pages 95-96.

It is submitted that a *prima facie* case of obviousness has not been made, but if deemed made by the Examiner is nonetheless rebutted by the results demonstrated for the inventive films in the examples 1, 2, 4-8, 12-14, 16, 17, 19-30, 86-89, 91-95, 97-106, and 109-114 relative to the results for the Comparative Examples 3, 9-11, 15, 18, 85, 90, 96, 107, 108. Also, Comparative Example 15 was a multilayer film made in accordance with the teachings of the Wilhoit, et al. reference yet is inferior to the present invention.

In view of the above amendments and arguments, reexamination and reconsideration of the rejections are requested, and allowance of all the claims is earnestly solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit
Account No. 502023.

Respectfully submitted,

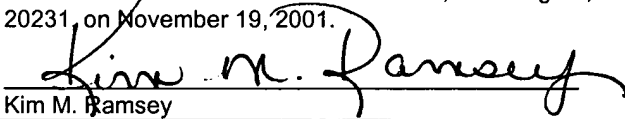


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Version with Markings to Show Changes Made:

In The Specification:

In another aspect of the invention, one or more gas barrier layers may be incorporated into a multilayer film as either an intermediate or surface layer or both. For example, ethylene vinyl alcohol copolymer (EVOH), vinylidene chloride-methylacrylate copolymer, nylon such as nylon 6 or amorphous nylon, polyvinylidene chloride-vinyl chloride copolymer (PVDC), acrylonitriles and other materials having oxygen barrier properties may be used in one or more layers such as the core layer. Blends of gas barrier resins may also be used e.g. a blend of nylon with EVOH. Typical gas barrier films will have [a gas barrier layer having] an O₂ transmission of less than 15 cc/100 in² for 24 hrs. at 1 atm.. In various multilayer embodiments well known adhesive resins such as maleic anhydride modified EVAs or polyethylenes, or acrylic acid or methacrylic acid copolymers e.g. with ethylene may be used in addition to or in place of various polymers indicated above in intermediate or outer layers to adhere to adjacent layers. Use of such adhesives may be advantageous e.g. to bond polymers such as EVOH to ethylene polymer containing layers such as VLDPE.

In The Claims:

6. (Amended) A film, as defined in claim 1, wherein said third polymer is selected from the group consisting of ethylene vinyl acetate copolymer, ethylene methylacrylate copolymer, ethylene butylacrylate copolymer, ethylene ethylacrylate copolymer, ethylene acrylic acid copolymer, and ethylene methacrylic acid copolymer.

23. (Amended) A film, as defined in claim 1, wherein said layer comprising a blend [containing layer] has been irradiatively crosslinked.

24. (Amended) A film, as defined in claim 1, wherein said [layer is the innermost heat sealable layer of a tube formed of said film] film forms a tube having an inner heat sealing layer comprising said blend.

33. (Amended) A film, as defined in claim 22, wherein said film comprises:

a first heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one α -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one α -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm³;

a second intermediate layer;

a third core layer comprising at least 80% by weight, [(based on said third layer's weight)], of at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(based on said copolymer's weight)], of vinyl chloride or methyl acrylate; and

a fourth surface layer;

wherein at least one of said second and said fourth layers comprise [said three copolymer blend defined in claim 1,] a blend of at least three copolymers comprising:

20 to 85 weight percent of a first polymer having a melting point of 80 to 98°C comprising at least one copolymer of ethylene and hexene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α -olefin; and

10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one

copolymer of ethylene and a vinyl ester, an alkyl acrylate, acrylic acid, or methacrylic acid; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers; and wherein said film has a maximum ram puncture force of at least 70 Newtons, a ram puncture stress of at least 110 MPa, and a tear propagation strength "x" such that $10 \leq x \leq 40$ grams per mil in each of the machine and transverse directions or $x < 25$ grams per mil in at least one of the machine and transverse directions; and said core layer is disposed between said second and said fourth layers.

43. (Amended) A biaxially stretched, heat shrinkable film comprising at least three layers, [wherein said first layer comprises] a first layer comprising a blend of at least three polymers comprising: a first polymer having a melting point of 80 to 98°C comprising a copolymer of ethylene and hexene-1; a second polymer having a melting point of 115 to 128°C comprising a copolymer of ethylene and at least one α -olefin; a third polymer having a melting point of 60 to 110°C comprising a copolymer ethylene and a vinyl ester or alkyl acrylate; a third layer comprising at least 50 percent by weight of copolymer of ethylene with at least one alpha-olefin or at least one vinyl ester or blends thereof, and a second layer comprising a vinylidene chloride copolymer, a nylon or a copolymer of ethylene with a vinyl alcohol; said film having a ram puncture force of at least 70 Newtons, a ram puncture stress of at least 110 MPa, and a tear propagation strength "x" such that $10 \leq x \leq 40$ grams per mil in each of the machine and transverse directions or $x < 25$ grams per mil in at least one of the machine and transverse directions.

45. (Amended) A film, as defined in claim 44, wherein said maximum ram puncture force is at least 150 Newtons.

46. (Amended) A film, as defined in claim 44, wherein said maximum ram puncture force is at least 200 Newtons.

54. (Amended) A film, as defined in claim 44, wherein said film comprises:

a first heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one α -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one α -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm³;

a second intermediate layer;

a third core layer comprising at least 80% by weight, [(based on said third layer's weight)], of at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(based on said copolymer's weight)], of vinyl chloride or methyl acrylate; and

a fourth surface layer;

wherein at least one of said second and said [third] fourth layers comprise said [three copolymer blend defined in claim 44] blend of at least three copolymers, and said core layer is disposed between said second and said fourth layers.

55. (Amended) A film, as defined in claim 54, wherein said film has a shrinkage value at 90°C of at least 40% in at least one of the machine and transverse directions.

64. (Amended) A biaxially stretched, heat shrinkable film comprising at least three layers, wherein said first layer comprises a blend of at least three polymers comprising: a first polymer having a melting point of 80 to 98°C comprising a copolymer of ethylene and hexene-1; a second polymer having a melting point of 115 to 128°C comprising a copolymer of ethylene and at least one α -olefin; a third polymer having a melting point of 60 to 110°C comprising a copolymer ethylene and a vinyl ester or

alkyl acrylate; a third layer comprising at least 50 percent by weight of copolymer of ethylene with at least one alpha-olefin or at least one vinyl ester or blends thereof, and a second layer between said first and third layers; said second layer comprising a vinylidene chloride copolymer, a nylon or a copolymer of ethylene with a vinyl alcohol; said film having a maximum ram puncture force of at least 120 Newtons, and a total energy absorption of at least 1.20 Joules.

65. (Amended) A film, as defined in claim 64, wherein said maximum ram puncture force is at least 150 Newtons.

66. (Amended) A film, as defined in claim 64, wherein said maximum ram puncture force is at least 200 Newtons.

80. (Amended) A process for making biaxially stretched, heat shrinkable film comprising a polymeric blend A comprising:

extruding a melt plastified primary tube comprising 20 to 85 weight percent of a first polymer having a melting point of 80 to 98°C comprising at least one copolymer of ethylene and hexene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α -olefin; and

10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers;

cooling said primary tube;

reheating said cooled tube to a draw point temperature of [68] 65 to 88°C;

biaxially stretching said tube to provide a transverse direction circumference of at least 2½ times the circumference of said primary tube and a machine direction length of at least 2½ times the length of

a corresponding segment of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film having a film thickness less than 10 mil (254 microns).

81. (Amended) A process, as defined in claim 80, wherein said draw point temperature is of [65] 68 to 79°C.

82. (Amended) A process[, as defined in claim 80,] for making biaxially stretched, heat shrinkable film comprising:

extruding a melt plastified primary tube comprising 20 to 85 weight percent of a first polymer having a melting point of 80 to 98°C comprising at least one copolymer of ethylene and hexene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α -olefin; and

10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers;

cooling said primary tube;

reheating said cooled tube to a draw point temperature of 68 to 88°C;

biaxially stretching said tube to provide a transverse direction circumference of at least 2½ times the circumference of said primary tube and a machine direction length of at least 2½ times the length of a corresponding segment of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film having a film thickness less than 10 mil (254 microns), wherein said resultant film has a ram puncture force of at least 70 Newtons, a ram puncture stress of at least 110 MPa, and a tear propagation strength "x" such that $10 \leq x \leq 40$ grams per mil in each of the machine and transverse directions or $x < 25$ grams per mil in at least one of the machine and transverse directions.

83. (Amended) A process[, as defined in claim 80,] for making biaxially stretched, heat shrinkable film comprising:

extruding a melt plastified primary tube comprising 20 to 85 weight percent of a first polymer having a melting point of 80 to 98°C comprising at least one copolymer of ethylene and hexene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α -olefin; and

10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers;

cooling said primary tube;

reheating said cooled tube to a draw point temperature of 68 to 88°C;

biaxially stretching said tube to provide a transverse direction circumference of at least $2\frac{1}{2}$ times the circumference of said primary tube and a machine direction length of at least $2\frac{1}{2}$ times the length of a corresponding segment of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film having a film thickness less than 10 mil (254 microns), wherein said resultant film has a ram puncture force of at least 120 Newtons, and a total energy absorption of at least 1.20 Joules.

85. (Amended) A process, as defined in claim 84, wherein a multilayer primary tube is made by extruding a tube comprising [said first, second and third polymers as defined in claim 80,] 20 to 85 weight percent of a first polymer having a melting point of 80 to 98°C comprising at least one copolymer of ethylene and hexene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α -olefin; and
10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers; and coating laminating onto said tube at least one additional thermoplastic polymeric layer prior to biaxially stretching said tube.

86. (Twice Amended) A process, as defined in claim 80, wherein a multilayer primary tube is made by coextrusion or coating lamination and said resultant biaxially stretched film comprises:

a heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one α -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one α -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm³;

an intermediate layer;

a core layer comprising at least 80% by weight, [(]based on said third layer's weight[)], of at least one copolymer of: EVOH; or vinylidene chloride with from 2 to 20 weight percent, [(]based on said copolymer's weight[)], of vinyl chloride or methyl acrylate; and

an outer protective surface layer;

wherein at least one of said intermediate and said outer protective layers comprise said polymeric blend A, and said core layer is disposed between said intermediate and said outer protective layers, and said film has a maximum ram puncture force of at least 100 Newtons, a hot water puncture resistance of at least 100 seconds at 95°C and a hot water seal strength of at least 200 seconds at 95°C.

87. (Amended) A biaxially stretched, heat shrinkable, multilayer film useful for food processing and packaging having at least four layers comprising:

a first heat sealing surface layer comprising a polymer or blend of polymers selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one α -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one α -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm³;

a second polymeric layer comprising (a) from 10 to 85 wt. % of a first copolymer of ethylene and at least one C₃-C₈ α -olefin, said first copolymer having a melting point of 55 to 98°C; (b) from 5 to 60 wt. % of a second copolymer of ethylene and at least one C₄-C₈ α -olefin, said second copolymer having a melting point of 115°C to 128°C, (c) from 0 to 50 wt. % of a third copolymer having a melting point of 60 to 110°C of ethylene with a vinyl ester or alkyl acrylate, wherein said first and second copolymers have a combined weight percentage of at least 50 weight percent, said weight percent being based upon the total weight of said layer;

a third layer comprising at least 80% by weight, [(based on said third layer's weight)], of at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(based on said copolymer's weight)], of vinyl chloride or methyl acrylate; and

a fourth polymeric layer comprising (a) from 10 to 85 wt. % of a first copolymer of ethylene and at least one C₃-C₈ α -olefin, said first copolymer having a melting point of 55 to 98°C; (b) from 5 to 60 wt. % a second copolymer of ethylene and at least one C₄-C₈ α -olefin, said second copolymer having a melting point of 115°C to 128°C, and (c) from 0 to 50 wt. % of a third copolymer having a melting point of 60 to 110°C of ethylene with a vinyl ester or alkyl acrylate, wherein said first and second copolymers have a combined weight percentage of at least 50 weight percent, said weight percent being based upon the total weight of said layer; and

wherein said film has a shrinkage value at 90°C of at least 40% in at least one of the machine and transverse directions, and said film has a tensile seal strength of at least 400 g/cm at 88°C.

104. (Amended) A film, as defined in claim 87, wherein: (a) in at least one of said second and fourth polymeric layers said first copolymer comprises at least one copolymer having a melting point of 80 to 98°C of ethylene and hexene-1 and is present in an amount of from 20 to 85 weight percent, based upon the weight of the layer containing said first copolymer and wherein (b) said second copolymer has a melting point of 115 to 128°C and is present in an amount of 5 to 35 weight percent based upon the weight of the layer containing said second copolymer; and (c) said third polymer having a melting point of 60 to 110°C is present in an amount of 10 to 50 weight percent, based upon the [layer] weight of the layer containing said third polymer.

107. (Amended) A film, as defined in claim 104 or 105, wherein said copolymer of ethylene and hexene-1 is present in an amount of 45 to 85 wt. % [of said layer].

108. (Amended) A film, as defined in claim 104 or 105, wherein said copolymer of ethylene and hexene-1 is present in an amount of 20 to 45 wt. %.